

Remarks

The application has been reviewed in light of the Office Action dated January 13, 2006. Claim 1 has been amended by the foregoing amendments. Claims 2-3 have been further cancelled by the amendments, and claims 13-17 are newly introduced. No new matter is introduced, and supports for the amendments can be found from throughout the drawings, specification, and claims of the application as originally filed. For example, the features of new claims 13-17 are described in paragraphs [00014]-[00019], along with FIGS. 1-3 of the application.

The Advisory Action dated November 29, 2005 stipulates in Item No. 5 that Applicant's reply (dated November 11, 2005) has overcome the rejections under 35 USC 112. However, in this Office Action, claims 1-3 and 5-8 are again indicated to be rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In this regard, the Examiner has again noted that it is not understood as to what portion of the container 12 is considered to be "shaped to sit on a horizontal surface".

As previously clarified in Applicant's reply dated November 11, 2005, Applicant respectfully submits that what portion of the container (i.e., either the bottom portion or the side portion or the combination) is configured or shaped to sit on a horizontal surface is not an essential feature of the invention to which the invention is intended to be limited. It does not matter as long as the container is shaped to sit on the horizontal surface and having an open area for loading or reloading powder or shots in the container.

Moreover, one of ordinary skill in the art can easily recognize that containers with a bottom portion and a side portion can have various shapes that can be easily sitting on the horizontal surface. For example, as illustrated and well described in connection with one exemplary embodiment of the present invention (see FIGS. 1 and

2 and paragraph [00015]), the bottom portion 16 can have a flat bottom surface to be sat on the horizontal surface. However, Applicant again notes that the present invention is not intended to limit to this particular configuration as shown, and other configurations can also provide stable sitting of the container on the horizontal surface. As widely known in the art, many containers and pans are often configured to have plural protrusions or foots extending vertically from a side portion of the container, which foots are protruding below the bottom portion of the container, in order to sit on the horizontal surface. Such configuration for facilitating sitting of the container is merely an incidental aspect, and is not an essential aspect of the invention for limiting thereto.

As such, because the application as originally filed sufficiently describes the sitting configuration of the container and one of ordinary skill in the art can easily recognize other alternate sitting configurations of such containers, Applicant respectfully submits that claims 1-3 and 5-8 are definite and satisfy the requirement under 35 U.S.C. 112, second paragraph. Accordingly, Applicant respectfully requests the Examiner to reconsider this rejection under 35 U.S.C. 112, second paragraph.

The Examiner has rejected claims 1-2, 5 and 7 under 35 U.S.C. 102(b) as being anticipated by Manem et al. (US Pat. No. 3,490,501). The Examiner has rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Manem et al. in view of Discho (US Pat. No. 361,143) or Reynolds (US Pat. No. 359,889). The Examiner has further rejected claims 1-3, 5 and 7 under 35 U.S.C. 102(b) as being anticipated by Knapton (US Pat. No. 4,705,192). The Examiner has also rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Manem et al. in view of Hellebusch (US Pat. No. 2,719,655).

The Examiner has also rejected claims 1-2 and 5-7 under 35 U.S.C. 102(b) as being anticipated by Raboin et al. (US Pat. No. 5,503,246). The Examiner has also

rejected claims 1-3, 5 and 7 under 35 U.S.C. 102(b) as being anticipated by Minneman (US Pat. No. 3,807,466). The Examiner has rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Minneman in view of Discho or Reynolds.

By the foregoing amendments, independent Claim 1 has been amended to better highlight the novel aspects of the invention. Each of claims 1, 5-8, and 13-17 currently pending in the present application requires, among other elements, (i) that the container be shaped to sit on a horizontal surface and define an area for receiving powder or shots therein, (ii) that the funnel portion have a generally frusto-conical shape with an inner diameter gradually decreasing in a distal end direction of the funnel portion, and the spout portion have a generally frusto-conical shape with an inner diameter gradually increasing in a distal end direction of the spout portion from a neck portion defined between the funnel portion and the spout portion, (iii) that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein for loading or reloading the powder or shots through the spout portion, and (iv) that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member, is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Applicant respectfully submits that, as discussed herein below, each of the above references cited fails to disclose or teach at least some or all of the above-identified elements (i)-(iv) of claims 1, 5-8, and 13-17. Accordingly, claims 1, 5-8, and 13-17 are patentably distinct over the cited references.

Manem et al. (US Pat. No. 3,490,501) disclose a multiple-use accessory for handling liquids. However, Manem et al. fail to disclose or teach, among others, at

least the above elements (ii), (iii) and (iv) of the claims. In particular, the Manem et al. reference does not disclose or teach the particular configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion).

Moreover, the Manem et al. reference does not disclose or teach, as required by the above element (iii) of the claimed invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein (in a generally transverse direction) for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Manem et al. reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. As shown in Fig. 6, the Manem et al. device is for handling liquids and only teaches that the distal tip of the funnel neck 11 is to be received in an opening of a liquid tank in a vertical orientation to pour spare fuel into the tank. However, there is no contrary teaching to lead to the above elements (iii) and (iv) of the claimed invention in which the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein in a generally transverse direction for loading or reloading the powder or shots through the spout portion while inclining the funnel to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Manem et al.

Discho (US Pat. No. 361,143) discloses a sprinkling pot. Discho, however, fails to disclose or teach among others, at least the above elements (ii), (iii) and (iv) of the claims. In particular, the Discho disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Discho reference does not disclose or teach the particular configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion). Moreover, the Discho reference does not disclose or teach, as required by the above element (iii) of the claimed invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein (in a generally transverse direction) for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Discho reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Discho, or over Manem et al. (discussed above) in view of Discho.

Reynolds (US Pat. No. 359,889) discloses a watering pot. Reynolds, however, fails to disclose or teach among others, at least the above elements (ii), (iii) and (iv) of the claims. In particular, the Reynolds disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Reynolds reference does not disclose or teach the particular configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion). Moreover, the Reynolds reference does not disclose or teach, as required by the above element (iii) of the claimed invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein (in a generally transverse direction) for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Reynolds reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Reynolds, or over Manem et al. (discussed above) in view of Reynolds.

Knapton (US Pat. No. 4,705,192) discloses a reusable multi-compartment container with charging and discharging means. Knapton, however, fails to disclose or teach among others, at least the above elements (ii), (iii) and (iv) of the claims. In

particular, the Knapton disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Knapton reference does not disclose or teach the particular configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion). Moreover, the Knapton reference does not disclose or teach, as required by the above element (iii) of the claimed invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein (in a generally transverse direction) for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Knapton reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Knapton.

Hellebusch (US Pat. No. 2,719,655) discloses a non-splash pan for liquids. Hellebusch, however, fails to disclose or teach among others, at least the above elements (ii), (iii) and (iv) of the claims. In particular, the Hellebusch disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Hellebusch reference does not disclose or teach the particular

configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion). Moreover, the Hellebusch reference does not disclose or teach, as required by the above element (iii) of the claimed invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein (in a generally transverse direction) for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Hellebusch reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Hellebusch, or over Manem et al. (discussed above) in view of Hellebusch.

Raboin et al. (US Pat. No. 5,503,246) disclose a crankcase oil drain pan. Raboin et al., however, fails to disclose or teach among others, at least the above elements (ii), (iii) and (iv) of the claims. In particular, the Raboin et al. disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Raboin et al. reference does not disclose or teach the particular configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing

inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion). Moreover, the Raboin et al. reference does not disclose or teach, as required by the above element (iii) of the claimed invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein (in a generally transverse direction) for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Raboin et al. reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Raboin et al.

Minneman (US Pat. No. 3,807,466) discloses a loading funnel having a funnel tube 11 vertically arranged with a funnel member 10. Minneman, however, fails to disclose or teach among others, at least the above elements (ii), (iii) and (iv) of the claims. In particular, the Minneman reference does not disclose or teach the particular configuration of the funnel member as required by the above element (ii) of the claimed invention (i.e., having the funnel portion of generally frusto-conical shape with gradually decreasing inner diameter and the spout portion of generally frusto-conical shape with gradually increasing inner diameter, thereby defining a neck portion between the funnel portion and the spout portion). Moreover, the Minneman reference does not disclose or teach, as required by the above element (iii) of the claimed

invention, that the spout portion of the funnel member be shaped to fit with an outer tip portion of a cartridge case to be received therein in a generally transverse direction for loading or reloading the powder or shots through the spout portion. Furthermore, nowhere in the Minneman reference teaches, as required by the above element (iv) of the claimed invention, that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container, with the outer tip portion of the cartridge case fittingly received in the spout portion of the funnel member (in a generally transverse direction), is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Accordingly, in view of the foregoing, claims 1, 5-8, and 13-17 are patentably distinct over Minneman, or over Minneman in view of other references such as Discho (discussed above) and Reynold (discussed above).

As discussed above, each of the cited references of record fails to disclose or teach, among others, at least the above-identified elements (ii), (iii) and (iv) of claims 1, 5-8, and 13-17. Failing to disclose or teach substantially all of the above elements required by each of the claims, there can be any motivation to combine or modify the disclosure of the references to reach the invention as claimed in claims 1, 5-8, and 13-17. Accordingly, claims 1, 5-8, and 13-17 are patentably distinct over the cited references.

Applicant submits that all of the claims currently pending in this application (i.e., claims 1, 5-8, and 13-17) are now in condition for allowance. Favorable reconsideration and early notice to that effect is earnestly requested.

Page 15
Serial No. 10/759,002
Response to Official Action

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen R. McNamara", is written over a horizontal line.

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